DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/2010 has been entered.

Response to Amendment

2.   Canceled claims 3-6, and 10, amended claims 1-2, 9, 11-14, non-amended claims 8 and new claims 15-22 are acknowledged and entered in the above-identified application.

Response to Arguments

3.   Applicant's arguments filed 2/25/2010 have been fully considered but they are not persuasive.

Applicant argues:

"The claimed notification message is not a request-response message and does not impose the closely associated temporal requirements inherent in the request- response messaging used in Lipsanen."

Examiner respectively disagrees. The claimed notification message does not exclude a

request-response message and temporal requirements.

Applicant argues:

"Further, as claimed, notification message is sent at a time in the first step which is not

closely linked to the time at which the users of the mobile terminals expressed an

interest in the content, that being prior to the first step. As described on page 6 of the

Application, the terminals that receive this notification expressed an interest in its

content through subscriptions, or as a result of a promotional campaign, etc."

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., notification message is sent at a time in the first step which is not closely linked to

the time at which the users of the mobile terminals expressed an interest in the content,

that being prior to the first step) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993).

Claim Objections

4.   Claim(s) 11 is/are objected to because of the following informalities: it is

suggested to change "said content" on line 9 to "said multimedia messaging services

center (MMSC) content. Also, it is suggested to change "MMSC server as interested" on

line 9 to "MMSC server are interested". Appropriate correction is required.

5.   Claim(s) 14 is/are objected to because of the following informalities: it is

suggested to change "messages" on line 5 to "message". Appropriate correction is

required.

6.   Claim(s) 17 is/are objected to because of the following informalities: it is

suggested to remove "said message" on line 12 to "a message". Appropriate correction

is required.

7.   Claim(s) 21 is/are objected to because of the following informalities: it is

suggested to change "said mobile terminals" on line 3 and lines 5-6 to "said plurality of

mobile terminals". Appropriate correction is required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

9.   Claims 21-22 is/are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10.   Regarding claim 21, the claim recites "requesting to download said content from said second server" on lines 3-4. However, the Examiner did not find support for this in the specification and the specification recites that downloading content is done from a first server.

11.   Regarding claim 22, the claim recites "said second server transmitting a decryption key" on lines 1-2. However, the Examiner did not find support for this in the specification and the specification recites that the first server transmits the decryption key.

12.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13.   Claims 1 and 17 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14.   Regarding claim 1, it is unclear how there is a first step when it happens prior to said first step. Applicant needs to make it clear as to what is being prior to said first step, such as registration and/or interested in content. Examiner will interpret "prior to said first step" to be related to the registration and interested in content hereinafter for examination.

15.   Regarding claim 17, it is unclear how there is a first step when it happens prior to

said first step. Applicant needs to make it clear as to what is being prior to said first

step, such as registration and/or interested in content. Examiner will interpret "prior to

said first step" to be related to the registration and interested in content hereinafter for

examination. Also, it is unclear what is meant by "a dedicated point-to-point over a

radiocommunication network transmission channel". It is highly suggested to change "a

dedicated point-to-point over a radiocommunication network transmission channel" on

lines 6-7 to "a dedicated point-to-point transmission channel" because claim 21 lines 4-5

cites "said dedicated point-to-point transmission channel".

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

18.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

19.   Claim(s) 1, 7, 9 and 14-15 is/are rejected under 35 U.S.C. 103(a) as being

unpatentable over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) and in further

view of US PGPub 2002/0078228 to Kuisma et al (hereinafter Kuisma) and in further

view of US PGPub 2004/0029596 to Kim et al (hereinafter Kim) and in further view of

US PGPub 2004/0171383 to Fingerhut et al (hereinafter Fingerhut).

        As per claim 1, Lipsanen teaches a method for a transmission system to

transmit multimedia content to a plurality of mobile terminals (abstract, discloses a

transmission system to transmit voice, packet data and digital broadcast/multicast

services) over a radiocommunication network (fig. 1 show a UMTS/GPRS network)

comprising:

        a first step of a server (fig. 1 box 120, discloses a Telecom/Portal server)

adapted to provide a point-to-point content transmission service (pg. 9 lines 27-29,

discloses Telecom server transmitting content through UMTS/GPRS network to a

terminal**) transmitting a point-to-point link notification (**pg. 8 lines 12-21, discloses

telecom server transmitting service parameters to a terminal and the service parameters

include a time in which a transmission will start (i.e. a notification)**) including an**

identifier specific to a content over a dedicated point-to-point transmission

channel to a plurality of mobile terminals registered with said server as interested

in said content prior to said first step (fig. 1 shows a telecom server 120; pg. 1 lines

5-7, discloses multiple terminals to receive services; abstract, discloses a transmission

system to transmit voice, packet data and digital broadcast/multicast services. pg. 8

lines 5-14, discloses user send "get n" message to server 120 and then server 120

forwards service parameters such as program identifier to the terminal via the

UMTS/GPRS network; pg. 10 lines 14-16, discloses user's viewing privileges can be set

by previous agreements with either the telecom or broadcast operators. Examiner

correspond previous agreements and any one of voice, packet data and digital

broadcast/multicast services to applicant's registered…as interested in…content prior

to…first step and content, respectively**);**

       a server adapted to provide a broadcast content transmission service (fig. 1

box 130, discloses a broadcast server; pg. 7 lines 28-29, discloses broadcast programs

transmitted from broadcast network 140**)**

       and a third step of said server broadcasting (fig. 1 box 130, discloses a

broadcast server**) a message including said content over a broadcast channel (**pg.

4 lines 4-5, discloses broadcast server 130 coupled to broadcast network 140; pg. 7

lines 28-29, discloses broadcast programs transmitted from broadcast network 140**).**

Although Lipsanen teaches **a server, a point-to-point content transmission and a point-to-point link notification,** Lipsanen is silent on **a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification.**

However, Kuisma teaches a MMSC transmitting a M-NOTIFIC-IND line 12 to a terminal (fig. 1) and MMSC transmitting a multimedia message to a terminal (paragraph [0042].

Lipsanen teaches a server...adapted to provide a point-to-point content transmission service and transmitting a notification and the multimedia messaging services (MMS) standard is a well known standard for having a MMSC server adapted to provide a point-to-point content transmission service and a multimedia messaging services (MMS)-standardization of a point-to-point link notification. Furthermore, it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the MMS standard to the system of Lipsanen, since it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

Although the combination teaches **a server adapted to provide a broadcast content transmission service** and **said server broadcasting said message,** the combination is silent on **a multimedia broadcast multicast system (MBMS)**

broadcast multicast service center (BM-SC) server and **said BM-SC server**
broadcasting.

However, Kim teaches a MBMS BM-SC broadcasting (paragraph [0025]).

Lipsanen teaches a server adapted to provide a broadcast content transmission
service and said server broadcasting and the multimedia broadcast multicast system
(MBMS) standard is a well known standard for having a MBMS BM-SC server
broadcasting. Furthermore, it is well known in the art that applying a well known
standard, or protocol, to a system provides the system with significantly improved
industrial applicability. Thus, at the time of the invention it would have been obvious to
one of ordinary skill in the art to apply the MBMS standard to the system of Lipsanen
and Kuisma, since it is well known in the art that applying a well known standard, or
protocol, to a system provides the system with significantly improved industrial
applicability.

Although the combination teaches **said MMSC server, a multimedia broadcast**
multicast system (MBMS) broadcast multicast service center (BM-SC) server
adapted to provide a broadcast content transmission service, said content in its
entirety and **said identifier,** the combination is silent on **a second step of said MMSC**
server transmitting a broadcast request to a multimedia broadcast multicast
system (MBMS) broadcast multicast service center (BM-SC) server adapted to
provide a broadcast content transmission service, said broadcast request
including said content in its entirety and said identifier.

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have a second step of said MMSC server transmitting a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier, as suggested by Fingerhut. This combination would benefit the system by allowing for the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

As per claim 7, the combination **teaches the transmission method according to claim 1, wherein said MMS-standardized point-to-point link notification is M-Notification.ind** (Kuisma fig. 1 shows a M-NOTIFIC-IND).

Examiner provides the same rationale for the combination as stated in claim 1.

As per claim 9, the combination teaches **the transmission method according to claim 1, further comprising said MMSC server** (Kuisma fig. 1**) transmitting a decryption key to said plurality of mobile terminals for use by said plurality of**

mobile terminals in decrypting said content (Lipsanen, pg. 11 lines 11-12, discloses

the broadcast keys are sent to the users which allow the terminals to decrypt the digital

packets**).**

Examiner provides the same rationale for the combination as stated in claim 1.

As per claim 14, the combination teaches **the transmission method according**

to claim 7 further comprising:

said MMSC server (Kuisma fig. 1**) receiving M-NotifyResp.ind**

acknowledgment messages (Kuisma paragraph [0038], discloses acknowledging a

notification message, which is sent by a MMSC, received with a m-NotifyResp-req.

Examiner correspond m-NotifyResp-req to applicant's M-NotifyResp.ind**) from said**

plurality of mobile terminals (Lipsanen pg. 1 lines 5-7**) receiving said M-**

Notification.ind messages (Kuisma fig. 1**).**

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the combination to include the MMSC server receiving an

M-NotifyResp.ind acknowledgement message from the mobile terminals receiving the

M-Notification.ind message, as suggested by Kuisma. This combination would benefit

the system by transferring multimedia message in a multimedia message in a MMS

(Kuisma paragraph [0001]).

As per claim 15, the combination teaches **the transmission method according**

to claim 14 wherein said second step occurs upon receiving said M-

NotifyResp.ind acknowledgement messages (Kuisma fig. 1 and paragraph [0042],

discloses in response to receiving the M-RETRIEVE-REQ message, performing a

process to receive multimedia message**).**

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the combination to have wherein said second step occurs

upon receiving said M-NotifyResp.ind acknowledgement messages, as suggested by

Kuisma. This combination would benefit the system by transferring multimedia message

in a multimedia messaging system (Kuisma paragraph [0001]).

20.   Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Lipsanen and Kuisma and Kim and Fingerhut and in further view of U.S. PGPub

2003/0186704 to Tamura et al (hereinafter Tamura).

        As per claim 2, the combination teaches **the transmission method according

to claim 1.**

        Although the combination teaches **in said first step said identifier sent to said

plurality of mobile terminals** (Lipsanen fig. 1 and pg. 8 lines 5-14; pg. 1 lines 5-7**),

reception of said content by said plurality of mobile terminals** (Lipsanen abstract,

discloses the terminal receive the broadcast service transmitted by the broadcast

network 140**)** and **said plurality of mobile terminals download said content from

said MMSC server via said dedicated point-to-point transmission channel**

(Lipsanen pg. 9 lines 27-29; pg. 1 lines 5-7 and pg. 8 lines 5-14 and Kuisma fig. 1**),** the

combination is silent on **wherein, in said first step, said identifier sent to said plurality of mobile terminals is accompanied by a value corresponding to a waiting time for reception of said content by said plurality of mobile terminals and if said waiting time passes without said plurality of mobile terminals receiving said content, said plurality of mobile terminals requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel.**

However, Tamura teaches first server/"content server" sends the waiting time/"maximum permissible value of the waiting time" to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have in said first step, said identifier sent to said plurality of mobile terminals is accompanied by a value corresponding to a waiting time for reception of said content by said plurality of mobile terminals and if said waiting time passes without said plurality of mobile terminals receiving said content, said plurality of mobile terminals requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

21.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen

and Kuisma and Kim and Fingerhut and in further view of U.S. PGPub 2005/0015797 to

Noblecourt et al (hereinafter Noblecourt).

        As per claim 8, the combination **teaches the transmission method according**

to claim 1.

        Although the combination teaches **identifier (**Lipsanen pg. 8 lines 5-14**), the**

combination is silent on **wherein said identifier includes uniform resource identifier**

information serving as a unique identifier.

        However, Noblecourt teaches a uniform resource identifier ([0030]).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the combination to have wherein said identifier includes

uniform resource identifier information serving as a unique identifier, as suggested by

Noblecourt. This combination would benefit the system by allowing each element or

piece of data to be uniquely referenced (Noblecourt [0030]).

22.   Claim(s) 11 and 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable

over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) and in further view of US

PGPub 2002/0078228 to Kuisma et al (hereinafter Kuisma) and in further view of US

PGPub 2004/0029596 to Kim et al (hereinafter Kim) and in further view of US PGPub

2004/0171383 to Fingerhut et al (hereinafter Fingerhut) and in further view of US

PGPub 2004/0198279 to Anttila et al (hereinafter Anttila).

As per claim 11, Lipsanen teaches **a method of reception of multimedia content by mobile terminals adapted to communicate via a radiocommunication network with a point-to-point content transmission multimedia messaging services center (MMSC) server** (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services; fig. 1 box 120, discloses a Telecom/Portal server; pg. 9 lines 27-29, discloses Telecom server transmitting content through UMTS/GPRS network to a terminal**), said method comprising:**

a first step of mobile terminals (abstract, discloses a mobile terminal; pg. 1 lines 5-7, discloses multiple terminals to receive services**) receiving an identifier specific to a content from said server in an point-to-point link notification over a dedicated point-to-point radiocommunication network transmission channel** (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services; pg. 8 lines 5-14, discloses user send "get n" message to server 120 and then server 120 forwards service parameters such as program identifier to the terminal via the UMTS/GPRS network; pg. 8 lines 12-21, discloses telecom server transmitting service parameters to a terminal and the service parameters include a time in which a transmission will start (i.e. a notification). Examiner correspond any one of voice, packet data and digital broadcast/multicast services and forwards service parameters to applicant's content and notification, respectively**), where said mobile terminals** (abstract; pg. 1 lines 5-7**) registered with said server** (pg. 8 lines 5-14**) as interested in said content** (abstract**) prior to said first step** (pg. 10 lines 14-16, discloses user's viewing privileges can be set by previous agreements with either the

telecom or broadcast operators. Examiner correspond previous agreements to

applicant's registered...as interested in...content prior to...first step.**)**;

a server adapted to provide a broadcast content transmission service (fig. 1

box 130, discloses a broadcast server; pg. 7 lines 28-29, discloses broadcast programs

transmitted from broadcast network 140**)**

and a third step of said mobile terminals receiving a message from said

server over a broadcast channel including said content (abstract, discloses the

terminal receive the broadcast service transmitted by the broadcast network 140; pg. 1

lines 5-7, discloses multiple terminals to receive services; pg. 4 lines 4-5, discloses

broadcast server 130 coupled to broadcast network 140; pg. 7 lines 28-29, discloses

broadcast programs transmitted from broadcast network 140**)**.

Although Lipsanen teaches **a content, a server** and **a point-to-point link**

notification, Lipsanen is silent on **a multimedia messaging services (MMS) content,**

a multimedia messaging services center (MMSC) server and **an MMS-standardized**

point-to-point link notification.

However, Kuisma teaches a MMSC transmitting a M-NOTIFIC-IND line 12 to a

terminal (fig. 1) and MMSC transmitting a multimedia message to a terminal (paragraph

[0042]).

Lipsanen teaches a content, a server and a point-to-point link notification and the

multimedia messaging services (MMS) standard is a well known standard for having

MMS content, a MMSC server and a multimedia messaging services (MMS)-

standardization of a point-to-point link notification. Furthermore, it is well known in the

art that applying a well known standard, or protocol, to a system provides the system

with significantly improved industrial applicability. Thus, at the time of the invention it

would have been obvious to one of ordinary skill in the art to apply the MMS standard to

the system of Lipsanen, since it is well known in the art that applying a well known

standard, or protocol, to a system provides the system with significantly improved

industrial applicability.

Although the combination teaches **a server adapted to provide a broadcast**

content transmission service and ...**said server over a broadcast channel,** the

combination is silent on **a multimedia broadcast multicast system (MBMS)**

broadcast multicast service center (BM-SC) server and ...**said BM-SC server over**

a broadcast channel.

However, Kim teaches a MBMS BM-SC broadcasting (paragraph [0025]).

Lipsanen teaches a server adapted to provide a broadcast content transmission

service and ...said server over a broadcast channel and the multimedia broadcast

multicast system (MBMS) standard is a well known standard for having a MBMS BM-SC

server broadcasting. Furthermore, it is well known in the art that applying a well known

standard, or protocol, to a system provides the system with significantly improved

industrial applicability. Thus, at the time of the invention it would have been obvious to

one of ordinary skill in the art to apply the MBMS standard to the system of Lipsanen

and Kuisma, since it is well known in the art that applying a well known standard, or

protocol, to a system provides the system with significantly improved industrial

applicability.

Although the combination teaches **said MMSC server, said MMS content in its entirety, said identifier, a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service** and **said mobile terminals receiving a message from said BM-SC server over a broadcast channel including said MMS content,** the combination is silent on **a second step of said MMSC server transmitting said MMS content in its entirety and said identifier in a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server and said mobile terminals receiving a message from said BM-SC server over a broadcast channel including said MMS content and said identifier.**

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have a second step of said MMSC server transmitting said MMS content in its entirety and said identifier in a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server and said mobile terminals receiving a message from said BM-SC server over a broadcast channel including said MMS content and said identifier,

as suggested by Fingerhut. This combination would benefit the system by allowing for

the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

Although the combination teaches **a broadcast request,** the combination is

silent on **an MMS broadcast request.**

However, Anttila teaches a request to broadcast MMS messages using a

broadcast server (paragraphs [0041-0042]).

Fingerhut teaches a broadcast request and the multimedia messaging services

(MMS) standard is a well known standard for having a MMS broadcast request.

Furthermore, it is well known in the art that applying a well known standard, or protocol,

to a system provides the system with significantly improved industrial applicability.

Thus, at the time of the invention it would have been obvious to one of ordinary skill in

the art to apply the MMS standard to the system of Lipsanen and Kuisma and Kim and

Fingerhut, since it is well known in the art that applying a well known standard, or

protocol, to a system provides the system with significantly improved industrial

applicability.

As per claim 12, the combination teaches **the reception method according to**

claim 11 further comprising:

said mobile terminals receiving a decryption key over said dedicated point-

to-point radiocommunication network transmission channel (Lipsanen pg. 11, lines

11-12, discloses the broadcast keys are sent to the user which allow the terminal to

decrypt the digital packets; pg. 1 lines 5-7**);**

and said mobile terminals utilizing said decryption key to decrypt (Lipsanen

pg. 11, lines 11-12, discloses the broadcast keys are sent to the user which allow the

terminal to decrypt the digital packets; pg. 1 lines 5-7**) said MMS content** (Kuisma

paragraph [0042]**).**

Examiner provides the same rationale for the combination as stated in claim 11.

23.   Claim(s) 13 and 16 is/are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lipsanen and Kuisma and Kim and Fingerhut and Anttila and in further view of

U.S. PGPub 2003/0186704 to Tamura et al (hereinafter Tamura).

As per claim 13, the combination teaches **the reception method according to**

claim 11.

Although the combination teaches **said mobile terminals receiving said**

identifier (Lipsanen fig. 1 and pg. 8 lines 5-14 and pg. 1 lines 5-7**), said mobile**

terminal receiving said MMS (Kuisma paragraph [0042]**) content** (Lipsanen abstract,

discloses the terminal receive the broadcast service transmitted by the broadcast

network 140 and reasoning above**) and said mobile terminals download said MMS**

content from said MMSC server via said dedicated point-to-point

radiocommunication network transmission channel (Lipsanen pg. 9 lines 27-29 and

pg. 8 lines 5-14 and pg. 1 lines 5-7 and Kuisma fig. 1 and paragraph [0042]**),** the

combination is silent on **said mobile terminals receiving a value accompanying said**

identifier corresponding to a waiting time for reception of said MMS content,

wherein if said waiting time passes without said mobile terminals receiving said

MMS content, said mobile terminals requesting to download said MMS content

from said MMSC server via said dedicated point-to-point radiocommunication

network transmission channel.

However, Tamura teaches first server/"content server" sends the waiting

time/"maximum permissible value of the waiting time" to the mobile terminals ([0138])

and a terminal operating in standby for a certain waiting time and when the terminal

hasn't received notification from the base station within the waiting time, the terminal

makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the combination to have said mobile terminals receiving a

value accompanying said identifier corresponding to a waiting time for reception of said

MMS content, wherein if said waiting time passes without said mobile terminals

receiving said MMS content, said mobile terminals requesting to download said MMS

content from said MMSC server via said dedicated point-to-point radiocommunication

network transmission channel, as suggested by Tamura. This combination would

benefit the system by receiving and obtaining desired contents at desired time (Tamura

[0007]).

As per claim 16, the combination teaches **the reception method according to**

claim 11.

Although the combination teaches **said mobile terminals receiving said**

identifier (Lipsanen fig. 1 and pg. 8 lines 5-14 and pg. 1 lines 5-7**), said mobile**

terminal receiving said MMS (Kuisma paragraph [0042]**) content (**Lipsanen abstract,

discloses the terminal receive the broadcast service transmitted by the broadcast

network 140 and reasoning above**) and said mobile terminals download said MMS**

content from said MMSC server via said dedicated point-to-point

radiocommunication network transmission channel (Lipsanen pg. 9 lines 27-29 and

pg. 8 lines 5-14 and pg. 1 lines 5-7 and Kuisma fig. 1 and paragraph [0042]**),** the

combination is silent on **said mobile terminals receiving a value accompanying said**

identifier corresponding to a waiting time for reception of said MMS content,

wherein if said waiting time passes without said mobile terminals receiving said

content, said mobile terminals requesting to download said MMS content from

said MMSC server via said dedicated point-to-point radiocommunication network

transmission channel.

However, Tamura teaches first server/"content server" sends the waiting

time/"maximum permissible value of the waiting time" to the mobile terminals ([0138])

and a terminal operating in standby for a certain waiting time and when the terminal

hasn't received notification from the base station within the waiting time, the terminal

makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the combination to have said mobile terminals receiving a

value accompanying said identifier corresponding to a waiting time for reception of said

MMS content, wherein if said waiting time passes without said mobile terminals

receiving said content, said mobile terminals requesting to download said MMS content

from said MMSC server via said dedicated point-to-point radiocommunication network

transmission channel, as suggested by Tamura. This combination would benefit the

system by receiving and obtaining desired contents at desired time (Tamura [0007]).

24.   Claim(s) 17 and 22 is/are rejected under 35 U.S.C. 103(a) as being unpatentable

over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) and in further view of US

PGPub 2004/0171383 to Fingerhut et al (hereinafter Fingerhut).

       As per claim 17, Lipsanen teaches **a method for a transmission system to**

transmit multimedia content to a plurality of mobile terminals (abstract, discloses a

transmission system to transmit voice, packet data and digital broadcast/multicast

services**) over a radiocommunication network (**fig. 1 show a UMTS/GPRS network**)**

comprising:

       a first step of a first server (fig. 1 box 120, discloses a Telecom/Portal server**)**

adapted to provide a point-to-point content transmission service (pg. 9 lines 27-29,

discloses Telecom server transmitting content through UMTS/GPRS network to a

terminal**) transmitting a point-to-point link notification (**pg. 8 lines 12-21, discloses

telecom server transmitting service parameters to a terminal and the service parameters

include a time in which a transmission will start (i.e. a notification)**) including an**

identifier specific to a content over a dedicated point-to-point over a

radiocommunication network transmission channel to a plurality of mobile

terminals registered with said first server as interested in said content prior to

said first step (fig. 1 shows a telecom server 120; pg. 1 lines 5-7, discloses multiple

terminals to receive services; abstract, discloses a transmission system to transmit

voice, packet data and digital broadcast/multicast services. pg. 8 lines 5-14, discloses

user send "get n" message to server 120 and then server 120 forwards service

parameters such as program identifier to the terminal via the UMTS/GPRS network; pg.

10 lines 14-16, discloses user's viewing privileges can be set by previous agreements

with either the telecom or broadcast operators. Examiner correspond previous

agreements and any one of voice, packet data and digital broadcast/multicast services

to applicant's registered...as interested in...content prior to...first step and content,

respectively**)**;

a second server adapted to provide a broadcast content transmission

service (fig. 1 box 130, discloses a broadcast server; pg. 7 lines 28-29, discloses

broadcast programs transmitted from broadcast network 140**)**

and a third step of said second server broadcasting (fig. 1 box 130, discloses

a broadcast server**) said message including said content over a broadcast channel**

(pg. 4 lines 4-5, discloses broadcast server 130 coupled to broadcast network 140; pg.

7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140**).**

Although Lipsanen teaches **said first server, a second server adapted to**

provide a broadcast content transmission service, said content in its entirety and

said identifier, Lipsanen does not explicitly disclose **a second step of said first**

server transmitting a broadcast-request to a second server adapted to provide a

broadcast content transmission service, said broadcast request including said

content in its entirety and said identifier.

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have a second step of said first server transmitting a broadcast-request to a second server adapted to provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier, as suggested by Fingerhut. This combination would benefit the system by allowing for the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

As per claim 22, the combination teaches **the method according to claim 17, further comprising said second server transmitting (**Lipsanen fig. 1; pg. 4 lines 7-9, discloses servers communicate with mobile terminal via a network for providing information relative to services**) a decryption key to said mobile terminal for use in decrypting said content (**Lipsanen, pg. 11 lines 11-12, discloses the broadcast keys are sent to the users which allow the terminals to decrypt the digital packets**).**

25.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Lipsanen and Fingerhut and in further view of U.S. PGPub 2005/0015797 to Noblecourt

et al (hereinafter Noblecourt).

As per claim 18, the combination **teaches the method of claim 17.**

Although the combination teaches **identifier (**Lipsanen pg. 8 lines 5-14**),** the

combination is silent on **wherein said identifier includes uniform resource identifier**

information serving as a unique identifier.

However, Noblecourt teaches a uniform resource identifier ([0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the combination to have wherein said identifier includes

uniform resource identifier information serving as a unique identifier, as suggested by

Noblecourt. This combination would benefit the system by allowing each element or

piece of data to be uniquely referenced (Noblecourt [0030]).

26.   Claim(s) 19 and 20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lipsanen and Fingerhut and in further view of US PGPub 2002/0078228 to Kuisma

et al (hereinafter Kuisma) and in further view of US PGPub 2004/0029596 to Kim et al

(hereinafter Kim).

As per claim 19, the combination teaches **the method of claim 17.**

Although the combination teaches **said first server and said second server,**

the combination does not explicitly discloses **a multimedia messaging services**

center (MMSC) server and a multimedia broadcast multicast system (MBMS)

broadcast multicast service center (BM- SC) server.

However, Kuisma teaches a MMSC transmitting a M-NOTIFIC-IND line 12 to a

terminal (fig. 1) and MMSC transmitting a multimedia message to a terminal (paragraph

[0042].

Lipsanen teaches a first server and the multimedia messaging services (MMS)

standard is a well known standard for having a MMSC server. Furthermore, it is well

known in the art that applying a well known standard, or protocol, to a system provides

the system with significantly improved industrial applicability. Thus, at the time of the

invention it would have been obvious to one of ordinary skill in the art to apply the MMS

standard to the system of Lipsanen, since it is well known in the art that applying a well

known standard, or protocol, to a system provides the system with significantly

improved industrial applicability.

Although the combination teaches **said second server,** the combination does

not explicitly disclose **a multimedia broadcast multicast system (MBMS) broadcast**

multicast service center (BM- SC) server.

However, Kim teaches a MBMS BM-SC broadcasting (paragraph [0025]).

Lipsanen teaches a second server and the multimedia broadcast multicast

system (MBMS) standard is a well known standard for having a MBMS BM-SC server

broadcasting. Furthermore, it is well known in the art that applying a well known

standard, or protocol, to a system provides the system with significantly improved

industrial applicability. Thus, at the time of the invention it would have been obvious to

one of ordinary skill in the art to apply the MBMS standard to the system of Lipsanen

and Kuisma, since it is well known in the art that applying a well known standard, or

protocol, to a system provides the system with significantly improved industrial

applicability.

As per claim 20, the combination teaches **the method of claim 19 wherein**

said point-to-point link notification (Lipsanen pg. 8 lines 12-21**) is a multimedia**

messaging services (MMS)-standardized point-to-point link notification M-

Notification.ind message (Kuisma fig. 1 shows a MMSC transmitting a M-NOTIFIC-

IND line 12 to a terminal**).**

Examiner provides the same rationale for the combination as stated in claim 19.

27.   Claim(s) 21 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lipsanen and Fingerhut and in further view of US PGPub 2003/0186704 to Tamura et al

(hereinafter Tamura).

As per claim 21, the combination teaches **the method according to claim 17.**

Although the combination teaches **said identifier (**Lipsanen fig. 1 and pg. 8 lines

5-14; pg. 1 lines 5-7**), reception of said content by said mobile terminals (**Lipsanen

abstract, discloses the terminal receive the broadcast service transmitted by the

broadcast network 140**), at least one of said mobile terminals download said**

content (Lipsanen pg. 8 lines 5-14; pg. 7 lines 28-29**) from said second server**

(Lipsanen fig. 1**), said dedicated point-to-point transmission channel (**Lipsanen pg.

8 lines 5-14), the combination does not explicitly teach **wherein, said identifier is accompanied by a value corresponding to a waiting time for reception of said content by said mobile terminals, wherein at least one of said mobile terminals requesting to download said content from said second server via said dedicated point-to-point transmission channel when said waiting time passes without said at least one of said mobile terminals receiving said content.**

However, Tamura teaches content server sends the maximum permissible value of the waiting time to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the content server for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have wherein, said identifier is accompanied by a value corresponding to a waiting time for reception of said content by said mobile terminals, wherein at least one of said mobile terminals requesting to download said content from said second server via said dedicated point-to-point transmission channel when said waiting time passes without said at least one of said mobile terminals receiving said content, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHAU whose telephone number is (571)270-7152. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./
Examiner, Art Unit 2476

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2476